

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72950 of 2023

Arising Out of PS. Case No.-431 Year-2023 Thana- KAUWAKOL District- Nawada

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BALLAM KUMAR PASWAN SON OF LATE CHANDU PASWAN
RESIDENT OF VILLAGE- CHONGWA, PS -KAWAKOLE, DIST-
NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in custody in connection with Kawakole P.S. Case No. 431 of 2023 for the offence under sections 341, 323, 307, 354, 379/34 of the Indian Penal Code lodged on 13.07.2023 by the informant, Lalan Choudhary.

3. As per the prosecution story, the allegation against the petitioner is of outraging the modesty of the informant's wife and giving sword blow causing injury on the head. The further allegation is of taking away the chain. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that it is a matter of case and counter case, the petitioner's wife case was lodged earlier at Patna Medical College Hospital and from the



FIR itself, it is clear that while the allegation is of 22.06.2023, the FIR was lodged on 13.07.2023. Further, the injury has been found to be simple in nature.

5. Learned APP opposes the prayer for bail stating that the allegation is of entering the house and outraging the modesty of the lady.

6. Taking into account the aforesaid submissions put forward by the parties as also the delay in lodging of the FIR, the case of the petitioner's lodged in PMCH earlier, he is in custody since 28.07.2023 and the injury has been found to be simple in nature, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Nawada, in connection with Kawakole P.S. Case No. 431 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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